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American Frozen Food Institute • 2000 Corporate Ridge, Suite 1000 • McLean, Virginia 22102  
Telephone (703) 821-0770 • Fax (703) 821-1350 • E-Mail [info@affi.com](mailto:info@affi.com)  
<http://www.affi.com> • <http://www.HealthyFood.org>

January 21, 2003

Mr. Barry L. Carpenter  
Deputy Administrator  
Country of Origin Labeling Program  
Agricultural Marketing Service  
U.S. Department of Agriculture  
USDA Stop 0249  
Room 2092-S  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-0249

**Re: Recordkeeping Burden Associated with Country of  
Origin Labeling Guidelines, 67 Fed. Reg. 70205 (Nov. 21,  
2002)**

Dear Mr. Carpenter:

The American Frozen Food Institute ("AFFI") is pleased to submit the following comments in response to the notice of the U.S. Department of Agriculture (the "USDA"), "Notice of Request for Emergency Approval of a New Information Collection." 67 Fed. Reg. 70205 (Nov. 21, 2002). The notice pertains to the estimated costs of recordkeeping to comply with country of origin labeling provisions under the Farm Security and Rural Investment Act of 2002, as interpreted by the USDA in its country of origin labeling guidelines (67 Fed. Reg. 63367 (Oct. 11, 2002)).

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AFFI is the national trade association representing frozen food manufacturers and their marketers and suppliers. AFFI's more than 500 members are responsible for approximately 90 percent of the frozen food processed annually in the United States, valued at more than \$60 billion. AFFI members are located throughout the country and are engaged in the manufacture, processing, transportation, distribution and sale of products nationally and internationally.

Because of time constraints and the complexities of the USDA country of origin labeling guidelines, AFFI is not able to estimate, at this time, the total recordkeeping burden on the U.S. frozen food industry. The preliminary responses of our members, however, indicate that these members have serious concerns with the burdens, including recordkeeping burdens, that binding regulations would impose on them.

One AFFI member, a U.S. processor of frozen produce, has estimated that the guidelines, if adopted as binding regulations, would require it to incur approximately \$1.175 million in capital costs for new ink-jet printing systems for its frozen produce containers. This estimate does not include other compliance costs, such as costs for segregation of product and recordkeeping costs. This member informs us that its current ink jet systems are designed to print country of origin information in compliance with the country of origin labeling requirements under the tariff laws (19 U.S.C. § 1304; "Section 304"). Because the USDA's guidelines would require the retention and disclosure of information beyond that necessary to comply with Section 304, the existing ink-jet printing systems would be rendered obsolete should the USDA proceed according to its current interpretations.

AFFI intends to submit detailed comments on the voluntary guidelines and the issues they raise for future binding regulations on country of origin labeling. At this time, AFFI urges the USDA to confine the scope of its future regulations to the requirements imposed by statute. In so doing, USDA should adhere to the fundamental principle of regulating only where necessary and to the extent necessary to effectuate the statutory purpose. Unfortunately, the voluntary guidelines do not appear to meet these objectives. Instead, the USDA's voluntary guidelines reflect an overly expansive interpretation of the regulatory authority granted by the Congress in the Farm Security and Rural Investment Act of 2002. In certain respects, the guidelines, if adopted as binding regulations in 2004, would overlap or be inconsistent with existing country of origin labeling requirements under Section 304. AFFI intends to address these issues in its future comment submission.

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Thank you for your consideration of these comments. Should you have any questions concerning this submission, please contact Mr. Michael Gill on (703) 821-0770.

Respectfully submitted



Leslie G. Sarasin, CAE  
President and  
Chief Executive Officer